

**UNITED STATES DISTRICT COURT**  
for the  
**Middle District of Pennsylvania**

United States of America

v.

CESAR VELAZQUEZ

)

)

Case No: 1:00-cr-290

USM No: 10272-067

Thomas Thornton

Defendant's Attorney

Date of Previous Judgment: 05/10/2001

(Use Date of Last Amended Judgment if Applicable)

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 240 months is reduced to 215.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level:	<u>35</u>	Amended Offense Level:	<u>34</u>
Criminal History Category:	<u>VI</u>	Criminal History Category:	<u>VI</u>
Previous Guideline Range:	<u>292</u> to <u>365</u> months	Amended Guideline Range:	<u>262</u> to <u>327</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

For the reasons set forth in United States v. Spurlock, 2008 U.S. Dist. LEXIS 32700, at \*15-16 (M.D. Pa. Apr. 18, 2008), the Court finds that the amendments to the Sentencing Guidelines has the effect of lowering Defendant's applicable guideline range, despite the fact that the guideline range would be determined by the career offender offense level USSG § 4B1.1.

Except as provided above, all provisions of the judgment dated 05/10/2001 shall remain in effect.

**IT IS SO ORDERED.**Order Date: 07/17/2008


Judge's signature

Effective Date: 7/28/08  
(if different from order date)

Yvette Kane, Chief Judge

Printed name and title